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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,933	02/20/2004	Tooru Washiyama	008312-0308392	9690

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/781,933

Applicant(s)

WASHIYAMA, TOORU

Examiner

Aristotelis M. Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's response of 11/30/06 has been considered with the following results.

Claims 9-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/3/06

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The IDS documents have been received and made of record.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations that the light source, dichoric prism and mirror are "fixed to the optical base" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

Claims 5 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

These claims refer to a manufacturing technique – by bonding --- and not to any structure of the product of their parent claim.

As far as the claims recite positive limitations, the following rejections are made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-150589 further considered with JP 62-003434.

Base reference JP 2002-150589 is relied upon for the reasons articulated in the submitted NPL document in the IDS of 12/21/05, i.e., as stated therein ----

- Remark

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Reference 1 (paragraphs [0028] to [0083], and FIGS. 1 to 11 especially, third and fourth embodiments) discloses an optical pickup device having:

a heat sink part (22) fixed integrally with a light receiving/emitting unit main body part (26) having a light source and a light receiving element provided therein; and an attachment plate (30) which positions the heat sink part to a predetermined position in a housing (10).

Accordingly, the present invention as claimed in claims 1 and 6 and the invention disclosed in Reference 1 are not significantly different in essential features. ---

However, the examiner cannot readily ascertain the claimed "dichoric prism" in this reference. JP 62-003434 discloses in this environment the use of polarizing beam splitter for performing the appropriate function. The examiner interprets this as meeting the claimed "dichoric prism".

It would have been obvious to modify the base system with the additional teaching from JP 62-003434 as use a dichoric prism as the splitting element of the base reference. Such is considered a substitution of equivalent elements.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 6 above, and further in view of JP 1073789.

With respect to the limitations of this claim, i.e., the "boss portion" as the sink holding member, the use of such elements in this environment are well known as taught by this document – see the title for instance and the discussion of figure 3.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with the additional teaching from JP 1073789, motivation is to securely fasten the laser chip to an optical base.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of JP 2002-150589.

With respect to the use of a spring as part of the pressurizing mechanism, such is considered present in the base reference – see the discussion starting at paragraph 8 of the document.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of Official notice.

Claim 5 is drawn not to a product but to a process of manufacturing – i.e., --- by bonding -----.

The examiner concludes that the ability of bonding elements together in this environment is old and well known and Official notice is taken thereof.

It would have been obvious to modify the base system as relied upon above in paragraph 2 with such well known bonding techniques to yield the overall structure.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 6 above, and further in view of Official notice.

Claim 7 is drawn not to a product but to a process of manufacturing – i.e., --- by bonding -----.

The examiner concludes that the ability of bonding elements together in this environment is old and well known and Official notice is taken thereof.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with such well known bonding techniques to yield the overall structure.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 6 above, and further in view of JP 1073789.

With respect to the limitations of this claim, i.e., the “boss portion” as the sink holding member, the use of such elements in this environment are well known as taught by this document – see the title for instance and the discussion of figure 3.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with the additional teaching from JP 1073789, motivation is to securely fasten the laser chip to an optical base.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goto et al, and Nagashima et al are cited as optical head structures in this environment lacking the “heat sink” of the independent claims. Fujinoki et al is also so cited. Kalyandurg is cited as teaching a heat sink and appropriated spring-clip for attaching such to appropriate structures in this environment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP